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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS GESUALDI and FRANK FINKEL, Trustees of : 10-CV-1249 (ARR)(MDG)
Local 282 International Brotherhood of Teamsters Welfare, :
Pension, Annuity, Job Training and Vacation Sick Leave :
Trust Funds, :
Plaintiffs, :
-against- :
TORRETTA TRUCKING INC. and GIUSEPPE SCALICI, :
Defendants. :
X

NOT FOR
PRINT OR ELECTRONIC
PUBLICATION

ORDER

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated March 12, 2012 from the Honorable Marilyn D. Go, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Brissett v. Manhattan & Bronx Surface Transit Operating Auth., No. 09-CV-1930682 (CBA) (LB), 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, the court grants plaintiffs' motion for a default judgment and awards damages against defendant Giuseppe Scalici in the amount of \$3,405.68. The court also awards damages against defendant Torretta Trucking in the amount of \$426,241.88, comprised of \$256,789.81 in unpaid contributions, \$110,432.97 in interest for unpaid and late-paid contributions, \$51,357.92

in liquidated damages, and \$ 2,475 in late fees, \$4,656.50 in attorney's fees, and \$529.68 in costs. Moreover, the court awards interest at the rate of \$126.64 per day against Toretta Trucking, beginning from October 15, 2011, to be calculated by the Clerk of the Court at the time of this judgment for additional interest on unpaid contributions. Plaintiff's motion for a preliminary injunction is denied.

The Clerk of Court is directed to enter judgment accordingly. Plaintiffs are directed to serve a copy of this order upon defendant at its last known address and to file proof of service with the court.

SO ORDERED.

/s/(ARR)

Allyne R. Ross
United States District Judge

Dated: March 30, 2012
Brooklyn, New York